

MINUTES
LAKE COUNTY PLANNING AND ZONING BOARD
February 1, 2017

The Lake County Planning and Zoning Board met on Wednesday, February 1, 2017, in County Commission Chambers on the second floor of the Lake County Administration Building to consider petitions for rezoning requests.

The recommendations of the Lake County Planning and Zoning Board will be transmitted to the Board of County Commissioners (BCC) for their public hearing to be held on Tuesday, March 21, 2017 at 9:00 a.m. in the County Commission Chambers on the second floor of the County Administration Building, Tavares, Florida.

Members Present:

Laura Jones Smith	District 2
Lawrence "Larry" King	District 3
Rick Gonzalez	District 4
Jeff Myers	District 5
Sandy Gamble	School Board Representative

Members Not Present:

Kathryn McKeeby, Secretary	District 1
Kasey Kesselring	At-Large Representative
Donald Heaton	Ex-Officio Non-Voting Military

Staff Present:

Steve Greene, AICP, Chief Planner, Planning & Zoning Division
Tim McClendon, Planning & Zoning Division Manager
Michele Janiszewski, Chief Planner, Division of Planning & Zoning
Melving Isaac, Senior Planner, Division of Planning & Zoning
Donna Bohrer, Office Associate, Planning & Zoning Division
Luis Guzman, Assistant County Attorney
Angela Harrold, Deputy Clerk, Board Support

Chairman Rick Gonzalez called the meeting to order at 9:00 a.m. and noted that a quorum was present and that the meeting had been duly advertised. He led the Pledge of Allegiance, and Mr. Sandy Gamble gave the invocation. He asked if anyone wanted to make a public comment on something that was not pertaining to any of the zoning cases on the agenda, but no one wished to speak at that time.

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Tab 2	CUP-16-06-05	Harbor Hills RV Storage
Tab 3	CUP-16-07-1	Arnold CUP Amendment
Tab 5	RZ-16-21-1	Cagan Crossings PUD Amendment
Tab 6	RZ-16-34-1	Horton PUD/Cagan Crossings

Regular Agenda

Tab 4	RZ-16-36-4	Avington Park PUD Rezoning
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Other Business

Adjournment

ELECTION OF OFFICERS

MOTION by Sandy Gamble, **SECONDED** by Laura Jones-Smith, to elect Rick Gonzalez as Chairman.

FOR: Gonzalez, Jones-Smith, King, Myers, Gamble

AGAINST: None

MOTION CARRIED: 5-0

MOTION by Sandy Gamble, **SECONDED** by Jeff Myers to elect Laura Jones-Smith as Vice Chairman.

FOR: Gonzalez, Jones-Smith, King, Myers, Gamble

AGAINST: None

MOTION CARRIED: 5-0

MOTION by Laura Jones-Smith, SECONDED by Sandy Gamble to elect Kathryn McKeeby as Secretary.

FOR: Gonzalez, Jones-Smith, King, Myers, Gamble

AGAINST: None

MOTION CARRIED: 5-0

MINUTES

MOTION by Laura Jones-Smith, SECONDED by Sandy Gamble to APPROVE the Minutes of January 4, 2017 of the Lake County Planning and Zoning Board meeting, as submitted.

FOR: Gonzalez, Jones-Smith, King, Myers, Gamble

AGAINST: None

MOTION CARRIED: 5-0

PUBLIC COMMENT

No one wished to address the board at this time.

AGENDA UPDATES

Mr. Steve Greene, Chief Planner, Planning and Zoning Division, Economic Growth Department, noted that the cases had been duly advertised as shown on the monitor. He related that there were a few changes to the agenda, including a request to pull Tab 4, case number RZ-16-36-4, and place it on the regular agenda since there were residents in attendance that wished to speak about the case. He stated that there was a request for continuation on Tab 5, RZ-16-21-1, and Tab 6, RZ-16-34-1 postponing the hearing for those until March 1, 2017, which was the next Planning and Zoning meeting. He concluded that staff recommended approval of the Consent Agenda as amended.

The Chairman opened the public hearing, but there was no one who wished to speak at that time regarding the rezoning cases on the Consent Agenda.

CONSENT AGENDA

<u>TAB NO:</u>	<u>CASE NO:</u>	<u>OWNER/APPLICANT/PROJECT</u>
Tab 1	RZ-16-38-4	Sorrento Church of Christ
Tab 2	CUP-16-06-05	Harbor Hills RV Storage
Tab 3	CUP-16-07-1	Arnold CUP Amendment

MOTION by Sandy Gamble, SECONDED by Laura Jones-Smith to APPROVE the Consent Agenda Tab 1 through 3 of the Lake County Planning and Zoning Board meeting, as amended.

FOR: Gonzalez, Jones-Smith, King, Myers, Gamble

AGAINST: None

MOTION CARRIED: 5-0

MOTION by Laura Jones-Smith, SECONDED by Sandy Gamble to APPROVE the continuation of Tab 5 and Tab 6, moving the cases to the March 1, 2017 Lake County Planning and Zoning Board meeting.

FOR: Gonzalez, Jones-Smith, King, Myers, Gamble

AGAINST: None

MOTION CARRIED: 5-0

REGULAR AGENDA

AVINGTON PARK PUD REZONING

Mr. Melving Isaac, Planning and Community Design, presented the Avington Park PUD (Planned Unit Development) Rezoning, case number RZ-16-36-4. He stated that the application is requesting that the undeveloped property, which is located in the Mount Dora JPA (Joint Planning Area), be rezoned from Agriculture (A) and Ranchette District (RA) to a PUD for a Rural Conservation Subdivision for the purposes of 418 single-family dwelling units at a density of 2 units per buildable acre. He commented that the proposed rezoning request is consistent with the Comprehensive Plan and the LDR (Land Development Regulations), which permits residential uses in the Rural Transition FLUC (Future Land Use Category.) He noted that it is also consistent with the LDR and reported that the applicant had chosen the fourth alternative plan. He stated that the fourth alternative allows for a maximum density of two dwelling units per buildable acre according to the Rural Transition FLUC. He pointed out that a minimum of 50 percent must be designated as open space according to the Comprehensive Plan Policy I-1.4.5 and a minimum 50 foot buffer is required around the property. He noted that central water and sewer would be provided by the City of Mount Dora. He stated that a school study had been completed and that the staff research indicates that there is available school capacity to facilitate the new homes. He reviewed that within the packet provided there were opposition emails. He reported that because the application is consistent with the Comprehensive Plan and specifically the Rural Transition FLUC Fourth Alternative, the staff recommendation was to approve the rezoning request.

Ms. Jones-Smith asked if there was feedback from the City of Mount Dora since it was in a JPA.

Mr. Isaac responded that there was a letter received from Mount Dora that was submitted for the Board review.

Mr. Chris Roper, attorney with Akerman, LLP and on behalf of the applicant, stated that the firm was in agreement with staff's recommendation for approval of the rezoning. He pointed out that there was a team of experts there to provide a presentation on the applicant's behalf. He listed the team members as Mr. Tim Green, a certified planner and President of Green Consulting Group Inc; Dr. Pierce Jones PhD., Professor and Director of the Program for Resource Efficient Communities at the University of Florida; Mr. William Ray, a certified planner, environmental specialist and President of Ray and Associates; and Mr. Arturo Perez, a Traffic Engineer from Traffic and Mobility Consultants, LLC. He noted that the request was for a rezoning not a Comprehensive Plan amendment because the current Comprehensive Plan allowed for up to two units per acre at the location; provided that a special blue print is followed for a rural conservation subdivision.

Mr. Green stated that he had been working on the project for approximately four years and presented the application and documents required by staff to the Board. He noted that he read the opposition emails and pointed out that a traffic study had been done. He reviewed the changes slated to take place in east Lake County and noted that in 2006 an employment center was implemented on the Future Land Use map. He presented the master plan created by the City of Mount Dora and stated that it showed industrial, office, commercial, manufacturing and residential zoning and that the only change to the plan since it was created was the removal of the residential component of the employment center. He remarked that most of the area not within Mount Dora city limits is classified as rural transition; however, the existing developments built were not considered rural transition because that was not a category at the time they were built. He reviewed all of the possible alternatives in the Comprehensive Plan and reported that the applicant had chosen to go with the fourth alternative, which was for rural conservation and he read the requirements met by the applicant to be in compliance with the alternative. He noted that there was a requirement of 50 percent open space within the subdivision and that had to remain in perpetuity, there had to be a conservation plan approved by St. John's Water District Management, and the space would be considered common areas and would be deeded to either the HOA (Home Owner's Association), Lake County or a conservation agency. He added that there are 53 acres of the open space that are contiguous per the plan requirements. He pointed out that they had met all of the requirements as staff had reported and reviewed the conceptual plan as presented in the application.

Mr. Gamble pointed out that based on the current conceptual plan there would be difficulty for a school bus to maneuver around the neighborhood to pick up students. He noted that if residents were to park on the streets it could make more difficult for the buses to drive through and opined that the Lake County Public Works Department did not look at the plan along with the Lake County School Board because this is an issue that should have been brought to the Board's attention.

Mr. Green replied that it was planned per the county standards in curves and radiuses. He stated that the applicant did pay for a concurrency review.

Mr. King asked what the typical lot size would be and if the homes would be conventional construction with no manufactured homes.

Mr. Green replied that home sizes would vary but the standards would be forty 120 foot lots, two-hundred and nine 50 foot lots, one-hundred and thirty-eight 65 foot lots and

twenty-nine 90 foot lots. He confirmed that it would be conventional construction with no manufactured homes.

Mr. King wondered if there had been any thought given to pervious concrete.

Mr. Green opined that pervious concrete required a lot of maintenance so it is not widely used. He remarked that the St. Johns Water Management District frowns upon concrete and are partial to pavers because they are set away from each other allowing for the water to continually pass through.

Ms. Jones-Smith clarified that the project would not be considered part of the City of Mount of Dora because the property was not contiguous.

Mr. Green replied that was correct but that there would be a utilities agreement in place that would annex the subdivision into Mount Dora once the property was contiguous.

Mr. Jones-Smith asked if the utilities would be provided by Mount Dora,

Mr. Green responded that all utilities would be provided by Mount Dora because their consumptive use permit required that all developments have reuse lines whether active or not. He added that the applicant had to meet the fire hydrant and flows standards of the Mount Dora's Fire Department.

Mr. Myers asked if there had been design standards and a price range set for the new homes in the development. He also wondered if there had been an evaluation done on how the new homes would impact home pricing of the surrounding neighborhoods.

Mr. Green responded that 48 properties have homes on them and about the property of the new subdivision and those home prices had been evaluated. He reviewed that the average price range for the new development was \$250,000 to \$500,000.

Ms. Jones-Smith wondered if the applicant had a builder on the project already and if there were elevations in mind.

Mr. Green replied that they did not have a builder yet and while there was an idea of what they would like the homes to look like, it could not be guaranteed because a builder was not signed on yet.

Mr. Gonzalez asked if the city utilities were available now or would they be at the time the homes were built. He also wondered if through the JPA if the utility system had to be contiguous.

Mr. Green stated that per the JPA the utilities would have to be ready and that they were currently being designed through a City of Mount Dora design and engineer vendor to be incorporated to their current system. He added that they would be contiguous because otherwise there would need to be an ISBA (Interlocal Service Boundary Agreement) in place and there is not one. He added that Mount Dora has discussed an ISBA but ultimately not been interested.

Mr. Gonzalez clarified whether the new development was in the Wekiva Protection Area. He also asked if there would be retention ponds on the site.

Mr. Green responded that the property is in the Wekiva Study Area so it would have to adhere to those guidelines, not the Protection Area guidelines. He added that there would be retention ponds per the St. Johns River Water Management District and they hope to be able to configure those in low and shallow areas of the property, which would keep with the rural conservation design.

Ms. Jones-Smith asked where the water and sewer line would enter the property.

Mr. Green replied that there were three options where it could enter with adjacent property owner use and there would be the option for the adjacent property owners to connect.

Mr. Gamble asked how far away the new development would be from being contiguous to Mount Dora.

Mr. Green stated that the area was one 15 foot property away from being contiguous to Mount Dora but he did not see the need to enhance the property to connect and opined that it did not meet the statutory limits of annexation. He pointed out that there is a piece of property to the west of the development that is under one ownership and could wrap around to make them contiguous but no one had been approached.

Mr. King asked what the living area sizes of the homes would be.

Mr. Green replied at that time he did not have a size and there had not been HOA documents drafted, which would include that information.

Mr. Myers wondered if the development would still be able to obtain the utility agreement with Mount Dora if the applicant with the 3rd alternative plan. He opined that one unit per one acre would fit in more with the surrounding neighbors.

Mr. Green stated that he was unsure but he did not feel that they would want water and sewer on those size lots. He added that the planning documents allow for the buffering and the density proposed and also there are monetary obligations to building in the area.

Mr. Roper explained that the applicant had planned to have four individuals speak but decided to change it having Dr. Jones speak next and then allow the others to be available for questions.

Dr. Jones explained to the Board that he and his department work with developers and landowners on issues of resource efficiency and design and management of primarily residential communities around the State of Florida. He reviewed the requirements for the four rural transition development options and stated that he was asked to do a comparison analysis of options 1, 3, and 4. He reported that the key metrics for comparison were total water use per household, impervious area, storm water volume, nutrient loads from storm water runoff, road and utility lengths and cost of infrastructure. He noted that some assumptions had to be made such as housing characteristics, water consumption, housing density, and landscape characteristics. He pointed out that having septic tanks in the community would not be as sufficient as central waste water treatment because it could impact the Wekiva River and area water supply. He commented on the total cost for roads and infrastructure and how they matched up with property tax. He reviewed each scenario and their comparison to each other. He reported that the fourth alternative the applicant was proposing was the best option because it would reduce all measures of urban impacts on a per-household basis, household water usage would be less than the other two options, had a fraction of the total of nitrogen and phosphorous because of central wastewater as opposed to septic tanks, costs were less for household infrastructure, and tax revenues would be higher.

Mr. Roper gave a brief summary of the application noting that the Comprehensive Plan does allow 2 dwelling units per acre, with the tradeoff of it being a rural conservation subdivision and that was a policy decision made by the Lake County Board of County Commissioners. He stated that the goal was to reduce the impact to the land while also maximizing efficient use of the natural resources. He noted that home elevations would

come at a later time as this was just the rezoning portion of the project; however, there were development costs associated with the project such as extending utility lines and paving Avington Road. He reported that the traffic study did indicate sufficient capacity to support the project and there is also a school concurrency letter stating there is capacity available.

Mr. Gamble stated that he did not receive a traffic study.

Mr. Perez reported that a traffic study had been conducted and stated that the study was completed in October 2016 and was then submitted to the county in November 2016. He relayed that the proposed 418 single family units would generate approximately 379 total trips in the afternoon peak hours. He elaborated that out of those 379 trips 239 trips would be going into the subdivision and 140 would be traveling out. He commented that even without the new subdivision there are areas that are failing and with the project that would make those areas worse. He reported that they are proposing an east bound left turn lane into the neighborhood that is 335 feet long and also a 50 foot long south bound left turn lane be added coming out of the neighborhood.

Mr. Jones-Smith asked, aside from the already failing movements, if the trips being added would reduce the level of service on any of the roadways used to access the site.

Mr. Perez stated that it could reduce it slightly but it would not go below the adopted level of service.

Mr. Gamble asked what the level of service of traffic was currently on Wolf Branch Road.

Mr. Perez responded that the acceptable and standard level of service is a D and that equates to a capacity of 1,040 vehicles during the peak hours of the day. He stated that the current traffic in that area during the peak hours of the day between 4:00 p.m. and 6:00 p.m. is 726 vehicles east bound and 484 west bound.

Mr. Gamble wondered about the morning peak hours during school drop off as well and the impact the neighborhood would have during that time.

The Chairman opened the public comment period.

Mr. Rafael Artigas, a resident of Sorrento, stated that he lived in Wolf Branch Village and opined that the plan is overaggressive and a very dense situation. He felt that the traffic study was incorrect and was concerned how the new development would impact the environment and water utilities. He requested that the application go back for further planning and for the applicant to consider the original plan that was drafted in 2007 because he felt that it would be a better choice for the area.

Ms. Mary Aspedon, a resident of Mount Dora, stated that she lived in the Hill of Mount Dora neighborhood and wanted to point out that all of the properties located around the proposed project site are zoned agricultural, rural agricultural or rural residential ranchette and she said she feels that the proposed neighborhood would not be consistent with the area because it is high density housing. She commented that the application is based on speculation of future needs and that the rezoning would cause significant adverse impact. She remarked people bought and built their homes in that area because it is rural and feels the load the new development could bring would negatively impact the existing residents. She wondered if any of the Board members had driven into the area and she encouraged them to go there if they haven't been before making a decision. She opined that rezoning the area was in opposition to Lake County's goal of nurturing and preserving natural beauty and surroundings. She pointed out that the intersection of Round Lake Road

and Wolf Branch Road is already an area of congestion during school drop off and pick up times and was concerned what the new development would add to the congestion.

Mr. Ricky Batson, a resident of Wolf Branch Estates, stated that he felt the traffic report was incorrect and did not reflect the actual traffic. He opined that there are more than 1,000 cars going down Wolf Branch road daily. He commented that Avington Road was currently a dirt road and that too many cars could come out of the new subdivision, which would lead to backups as well as issues for the school buses going in and out of the new development. He remarked that the new development would not be conducive to the surrounding properties and felt it would overcrowd the schools.

Mr. John DelCastillo, a resident of Mount Dora, stated that he lives in the Hills of Mount Dora and if the proposed neighborhood was built his backyard would be looking into the development. He commented that he is in favor of a one house to one acre plan but felt that the over density of the current project was detrimental to the land. He was concerned about land clearing and opined that the applicant would not plant new trees after the land clearing. He remarked that the traffic would increase and that the school is already overcrowded. He encouraged that the plan go back and be rethought.

Mr. Charles Flint, a resident of Sorrento, stated that he would like to have each Board member drive through the existing communities to see how the structure of the land is used and how the homes are laid out and then review the proposed plan again because he felt it is not consistent to the current use of the area.

Mr. Roy Fountain, a resident of Sorrento, stated that he was in opposition to the project and that the issues of traffic, overcrowding at the schools and the condition of Wolf Branch Road needed to be addressed.

Ms. Kathy Furey, a resident of Sorrento, stated that the reason she purchased her property was to be able to enjoy horses on her own property. She commented that she picks up litter every day on her property from people driving by and she stated that it poses a danger to her horses. She is concerned that drivers will blow their horns to scare the horses on purpose and she will have to move the horses further in on her property to keep them away from the roads. She stated that if she has to do that she will lose approximately half of her property that she used to enjoy and that she still pays property taxes on. She encouraged the Board to consider the residents living there, why they purchased there and many of the concerns that they have.

Mr. Mark Hyland, a resident of Mount Dora for 20 years who lives in the neighborhood of the Hills of Mount Dora stated he felt that the new development would negatively impact the surrounding areas. He asked the Board how a spot zoning scenario is acceptable when the other homes are on one to five acres or more and opined that putting the development in would destroy the way of life for over 200 families. He stated that he feels approving the new development would be taking away those area resident's right to choose a more quiet place to live with larger acreage and he felt that is not the Board's right to do that.

Mr. Gregg Kroen, a resident of Mount Dora, opined that it was a stewardship issue of the Board and when looking at the project, which is the first large project for the area, he asked the Board really think it through. He remarked that every requirement met in the application was at the maximum for the best profit but it should be done for what is best for Lake County. He stated his property backs up to Avington Road and wanted to be sure that

paving is done properly and paid for by applicant. He noted he has concerns about the drainage there, the aesthetics, the construction and the route for the utilities. He pointed out that there is a smaller road called Laurel Lane that he is concerned would be used as a cut through by the new residents of the development. He stated that in the past there had been an attempt to close Laurel Lane off but that did not take place and with the possibility of the new subdivision he would like to see that happen.

Mr. Dennis Manning, a resident of Sorrento, stated that from the initial proposal dating back to 2007 it appeared that the applicant was trying to maximize their profit and not taking into consideration the current area and residents. He felt that the traffic study was incorrect and that Wolf Branch Road is already congested.

Mr. Claude Pennacchia, a resident of the area stated that the neighborhoods are unified in feeling that the current proposal is not consistent with the current living conditions of the existing developments. He opined that there are other options better suited for the area. He added that the proposed alternative would be detrimental to the school system and roadways.

Ms. Kristine Rivera, a resident of the area stated that she has lived in Wolf Branch Estates for 20 years and, while they did not expect things to stay the same, feels the proposed development is an affront to the small and tranquil area. She commented that they have been told there is to be an employment center and other high density neighborhoods built in the area; however, the residents do not want to be overbuilt and request that any new construct conserve their way of life. She remarked that they can already hear traffic and construction at night and this will add to the disruption. She is concerned about the road conditions and the capacity at the schools. She said the developer had shown adverse intentions for clearing the land and asked if there had been a study completed on any endangered species. She stated that the legacy of Lake County needed to be protected.

Mr. Harry Stauderman, a resident of Sorrento and owner of Oak Haven Farms and Winery located on Avington Road stated that he does not just live there but makes his living there. He reported that in 2006 there was a proposal for 42 homes on large 5 acre tracks and was a much more environmentally friendly plan compared to the current proposal. He elaborated that it was a good plan and the residents supported it because it fit in well with the characteristics of the area. He noted that unfortunately that plan did not go through because it was during the time of the recession and now the applicant has returned with a larger plan of 418 homes, which is not consistent with the area. He opined that the traffic report is incorrect because there are already backups from Avington Road from cars trying to turn left onto Wolf Branch Road. He remarked that his business will suffer if the new development is built and is concerned that he would get complaints from the residents living there due to noise from an irrigation pump on his property that is needed to maintain his crops. He commented that the new development would be surrounded by properties that were much larger. He added that pervious concrete had been slated for the first development plan and that the roadway for that plan would have fit within the current right of way without additional drainage needed because the drainage would go through the pervious concrete. He stated that he felt that the proposal was in conflict with public interest. He asked for clarification on the annexation.

Ms. Jones-Smith replied that the new development would have to annex into the City of Mount Dora if and when it became contiguous with Mount Dora city boundaries, which

was part of the agreement made in order to get utilities. She remarked that Lake County and the City of Mount Dora had agreed that in the long term that area would ultimately become part of Mount Dora. She elaborated that allows it to develop and receive utilities and then annexing at such time that it becomes contiguous.

Mr. Stauderman asked if it would still be annexed even if the residents of that development do not want that.

Ms. Jones-Smith responded yes because that was the plan adopted by the county and the city jointly.

Mr. Gonzalez stated that there is an agreement to do the annexation when it becomes contiguous and does not mean it will be annexed at this time.

Mr. Jose Villafana, a resident of Sorrento clarified that all of the existing lots are not one acre in Wolf Branch Estates and it is zoned agricultural residential, which requires one unit every two acres. He reported that the smallest lot is 2.5 acres and goes up to 5 acres in that subdivision. He opined that the area did not need to have a zoning change and does not feel the area has an urgent need for housing. He commented that the impact from the 418 homes would be much larger rather than from an individual house as studied. He remarked that he had not seen a traffic counter on the road and that he felt that at certain times of the day driving on Wolf Branch Road is difficult. He asked if Wolf Branch Estates would have to be annexed if the new development had to.

Ms. Jones-Smith responded that Wolf Branch Estates would not need to.

Mr. Logan Wilson a resident of Grand Island wanted to speak to the proposed plan of 2007 for the Avington Park community, which was approximately 42 luxury homes in total, and stated that plan should be taken into consideration of what happy medium for the area could be. He relayed that the current homeowners are not opposed to development but would like it to be more consistent with what is currently there.

Mr. Gonzalez suggested that the residents read the Comprehensive Plan for the area and if they are unhappy they should make suggestions on how to improve it with the planning staff. He added that this type of proposed development is approved.

Mr. John Suarez, a resident of the area who lives in the Grove Hill subdivision stated that he felt nothing had been addressed about what has been happening on the land previous to the application. He relayed that there had been clearing on the land already and it is destroying the habitat. He opined that the applicant is not environmentally sensitive. He asked that the environmental impact be addressed. He is concerned that there is an access point at the back of the subdivision that would lead to construction vehicles using a non-county maintained road.

Ms. Jones-Smith stated that if Mr. Suarez sees that type of activity on the property he should call the county office of Code Enforcement.

There being no one else who wished to address the Board on this rezoning case, the Chairman closed the public hearing.

Mr. Ray stated that he had been a part of numerous agricultural entities in the past and he wanted to address the activity on the site. He reported that the site was originally a productive orange grove and after changes over the years it was abandoned and the trees died. He elaborated that as a result of this there were oak trees that started to grow in. He added to maintain the site cattle had been allowed to graze there and the property had been through a number of changes but the intent had still been to allow for cattle grazing as the

active management use of the site. He pointed out that the land must be managed and an agricultural management plan was filed for the site with the Lake County Property Appraiser, who is the governing entity for determining true agricultural activity. He stated that the intent had been to restore the site to pasture, which required removing areas of oaks that had come in, and the site had not been one-hundred percent cleared, which was an allowable option underneath an agricultural activity. He noted that there was an environmental survey completed on the site and it showed that there were gopher tortoises living there. He reported that the tortoises had not been impacted and if the proposed plan is approved there would be permits obtained to remove the gopher tortoises. He reiterated that the site was currently active agricultural and was being managed in that capacity.

Mr. Gonzalez asked if the clearing done to date was clearing for pasture.

Mr. Ray replied that it was done for pasture and added that they would work with Florida Fish and Wildlife Commission to safely rehome the tortoises.

Mr. Gamble asked about where the bike path would be because it was not shown on the concept plan map and wondered why they were not included to ensure the bicycles were not riding in two lane traffic.

Mr. Green presented an aerial photo from 1980 of the area and went through the addition of all of the current subdivisions and the road impacts from those additions. He noted that the rear setback of the current subdivisions is 20 feet from the property of the proposed new development; however, the new development's setback would be 50 feet designated as buffer and a minimum of 20 foot housing setbacks on the lots. He elaborated that this means the homes in the new proposed neighborhood could not be within 70 feet of the existing property boundary at any point. He stated that there have been changes to the area with the Wekiva Parkway being constructed and the approval of an employment center. He commented that consistency with the area can be built into the code and into the Future Land Use and those are ways to make things compatible. He remarked that the applicant has the right to build two units to an acre under the current category and that it is just one item in a long list of responsibilities for the property owner. He stated that the project team feels they are consistent with the area.

Ms. Jones-Smith asked about the access road mentioned that is at the back of the property.

Mr. Green stated that Young Road would be an emergency access that was required by county staff. He added that there is one property owner on that road who uses it as access to Wolf Branch Road and there has been an agreement made with that property owner to have other than emergency access through the development.

Mr. Gonzalez clarified that the only connection to Young Road would be for emergency access and there would be a gate there that would only be used for fire and rescue. He read from a school board letter from November 29, 2016 that stated that rezoning may have an adverse impact and that Round Lake Charter Elementary was over capacity; however then a new letter came that stated that capacity had been reserved for the new subdivision and asked for clarification. He asked if the concurrency capacity purchased was available for one year.

Mr. Green explained that there are two levels of review by the school board and it was during the second review that showed that there are actually two elementary schools, Round Lake Elementary and Sorrento Elementary, which can facilitate that area. He stated

that the capacity bought would be good as long as platting took place within one year and it could be extended one time for an additional fee.

Ms. Jones-Smith asked what platting would require them to do in terms of improvements.

Mr. Green replied that Mount Dora requires the improvements first and the platting would be second, meaning all roads and utilities would be there and this would all need to be done quickly.

Ms. Jones-Smith clarified that the roads, right of way and stormwater management within the subdivision would all be county maintained.

Mr. Green pointed out that Dr. Jones's report was compiled over three years and had always been part of the project.

Mr. Gonzalez wondered when the new neighborhood would be constructed.

Mr. Green responded that they were in the conceptual planning stage only.

Mr. King asked at point in the sales would the new subdivision extend into the City of Mount Dora and would the potential residents be notified that they could be residents of Mount Dora at some point.

Mr. Green replied that per the agreement they would become a part of Mount Dora as soon as the property is contiguous and yes the residents would be notified as part of their closing documents when purchasing the home.

Ms. Jones-Smith noted that there were already failing movements in traffic study for the area even before the new development and wondered if there was long range planning within the county for improvements of these roads.

Mr. Bill White, Engineer for Lake County Public Works Department, replied that the intersection of Wolf Branch Road and Round Lake Road would be the deficient intersection in this area and that there was some improvement planned for parts of Round Lake Road due to the Wekiva Parkway but he was not sure of the specific improvement plan.

Ms. Jones-Smith clarified that there was not a current plan of improvement for the specific area where the new neighborhood would be.

Mr. White responded that while it was not in the 5 year plan it would be monitored and determined if it could be placed into a future work program.

Mr. Gamble wondered when the last Lake County traffic study took place.

Mr. White replied that there was a current study being done near C.R. 437 as part of the Wekiva Parkway improvements as well as C.R. 46 and added that Round Lake could also be receiving improvement in the future. He remarked that the 1,000 cars per day was the capacity based on the last study completed for the Wolf Branch area.

Ms. Jones-Smith made a motion to approve the rezoning application as stated, with the suggestion that staff look into the existing deficiencies in the roadways.

There was no second given to the motion, the motion failed.

Mr. Gamble made a motion that the application go back and be revised to meet the needs of both the applicant and the current residents by making modifications for it to be a smaller development. He opined that if a resident purchased the property out in the unincorporated area that should be taken into consideration. He stated that he understood that the Comprehensive Plan states that the applicant has the ability to build what they are proposing and it would generate tax revenue but that does not meet the needs

of everyone. He commented that he would like to see a plan presented that is similar to what was originally proposed in 2007.

Mr. Myers seconded the motion made for the application to go back and be revised. He stated that growth is going to happen and while the applicant has done a good job trying to develop the property in a good manner they got caught up in trying to maximize their investment, which is not a detriment but somehow the two groups need to come together to find a middle ground. He opined that if an agreement cannot be met then it is possible that another applicant could come along and not be as amenable and thoughtful of the area. He suggested looking at a one dwelling unit per acre option again as he felt it was reasonable and could increase the property values surrounding the area.

Mr. Luis Guzman, Assistant County Attorney, stated that the Board is charged with making a recommendation to the Board of County Commissioners and normally that is done through an approval or denial. He elaborated that in the context of the motion, if the applicant was amenable to continuing work on the application, his recommendation would be to hear from the applicant to determine if a continuation was an option for them.

Mr. Roper stated that he appreciated all of the comments from the Board and the public but they had been working on the project for more than three years and felt it is consistent with the Comprehensive Plan and would like the case to move to the Board of County Commissioners and asked for a recommendation of approved or denied, not a postponement or continuation.

Ms. Jones-Smith asked that there be clarification of the planning criteria that the Board has to make decisions based on as there were new Board members.

Mr. Gonzalez responded that the criteria were defined in the Comprehensive Plan and the applicant met all of the planning criteria.

Mr. Guzman noted that it is also in the staff report.

Mr. Roper commented that it was a rezoning request and there was competent substantial evidence on record in the form of the staff report, testimony from applicant representatives and added that the Comprehensive Plan allows for the rezoning and they felt strong in their case.

Mr. Gonzalez pointed out that it seemed the current residents did not agree with what the Comprehensive Plan stated and that was not what the discussion was about and that issue would need to be discussed with the Board of County Commission.

Ms. Jones-Smith pointed out that there were other higher density projects taking place out in the area and the employment center is defined by the Comprehensive Plan. She elaborated that there will be employees working at the center that will need places to live without long commutes and that is why high density developments are encouraged around employment centers. She opined that the applicant did comply with the requirements of the county and supplied a plan consistent with the requirements of the Comprehensive Plan.

Mr. Myers was concerned over the fact that, while he believed that the application was in harmony with purpose and intent, it was obviously in conflict with public interest.

Ms. Jones-Smith opined that Mr. Green described well what the applicant planned to do to minimize the impact on the exiting residents and the area. She pointed out that they are complying with the additional buffering and other requirements.

Mr. Myers stated that he agreed that the applicant put together a well thought out plan but the public interest that spoke had an issue.

Ms. Jones-Smith stated that she believed the Chairman was accurate in stating that the public has issue with the Comprehensive Plan itself and the allowances that it makes within their area, not the actual proposed project.

Mr. Gamble retracted his motion.

Mr. Myers retracted his second of the motion.

MOTION by Laura Jones-Smith, gavel passed and SECONDED by Rick Gonzalez, to approve Rezoning Case RZ-16-36-4 with the understanding that Lake County staff would review the deficiencies in the roadways.

FOR: Gonzalez, Jones-Smith

AGAINST: Myers, Gamble, King

MOTION FAILED: 3-2

MOTION by Sandy Gamble, SECONDED by Jeff Myers to deny RZ-16-36-4, Avington Park PUD Amendment.

FOR: Myers, Gamble, King

AGAINST: Gonzalez, Jones-Smith

MOTION PASSED: 3-2

OTHER BUSINESS

ADJOURNMENT

There being no further business, the meeting was adjourned at 11:38 a.m.

Respectfully submitted,



Angela Harrold
Clerk, Board Support



Rick Gonzalez
Chairman